

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ARTURO SICAIROS,  
Plaintiff,

vs.

NDEX WEST, LLC; AMERICA'S  
SERVICING COMPANY, DOE 1, and DOES  
2-50, inclusive,  
Defendants.

Case No.: 08 CV 2014 LAB BLM  
Hon. Larry A. Burns  
Courtroom 9

**ORDER GRANTING DEFENDANT  
WELLS FARGO BANK, N.A.'S MOTION  
TO EXPUNGE LIS PENDENS**

Complaint filed: September 24, 2008

The motion of Defendant WELLS FARGO BANK, N.A. dba AMERICA'S SERVICING COMPANY, erroneously sued herein as AMERICA'S SERVICING COMPANY ("Wells Fargo"), to expunge the lis pendens recorded by plaintiff ARTURO SICAIROS ("Plaintiff") in connection with this case was set for hearing on August 31, 2009 at 11:15 a.m. in Courtroom 9 of the above-entitled Court.

On August 25, 2009, the Court found the matter suitable for ruling without oral argument, vacated the hearing on Wells Fargo's motion to expunge lis pendens and took the motion under submission.

After considering the moving papers, the Court rules as follows:

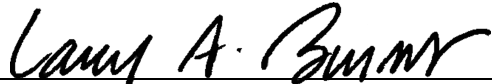
**IT IS HEREBY ORDERED** that Wells Fargo's motion to expunge lis pendens is granted.

**IT IS FURTHER ORDERED** that the Notice of Pendency of Action (Lis Pendens) recorded on September 26, 2008 in the Official Records of the San Diego County Recorder's Office as Instrument Number 2008-0510756 is hereby expunged.

1       **IT IS FURTHER ORDERED** that pursuant to California Code of Civil Procedure  
2 §405.38, Wells Fargo is awarded the reasonable attorney's fees it incurred by bringing this  
3 motion in the amount of \$370.00 to be paid by Plaintiff's counsel of record, MW Roth PLC  
4 and/or Mitchell Roth, jointly and severally.

5       **IT IS SO ORDERED.**

6  
7 DATED: August 28, 2009

  
HONORABLE LARRY ALAN BURNS  
United States District Judge